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December 12, 2006

The Honorable Kent A. Jordan
United States District Court
844 King Street
Wilmington, DE 19801

Re: Capano v. Carroll, et al. C.A. 06-58 KAJ

Dear Judge Jordan:

In light of Ms. McFarlan's letter to the Court dated December 12, 2006, I am enclosing a proposed Scheduling Order.

Respectfully yours,

/s/ Joseph M. Bernstein

cc: Elizabeth R. McFarlan, Esquire (By Hand Delivery)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMAS J. CAPANO,
Petitioner,

v.

THOMAS CARROLL, Warden, *et al.*,
Respondent.

:
:
:
: Civil Action No. 06-58 KAJ
:
:
:

SCHEDULING ORDER

AND NOW, this _____ day of December 2006, IT IS ORDERED as follows:

1. Petitioner shall file an Opening Brief and Appendix in support of the claims raised in the Habeas Corpus Petition on or before January 31, 2007.
2. The Respondents may file, but shall not be required to file, an Answering Brief. If the Respondents elect to file an Answering Brief, such Brief shall be filed on or before March 26, 2007.
3. If an Answering Brief is filed by Respondents, the Petitioner may file a Reply Brief on or before April 9, 2007.
4. Oral argument may be scheduled at the discretion of the Court.

Kent A. Jordan, District Judge